

EPA's SBAR Panel Outreach Meeting with Small Entity Representatives on Proposed Rulemaking for 1-Bromopropane under TSCA Section 6(a)

Key Takeaways from Pre-Panel Outreach Meeting

On November 5, 2020, EPA conducted a Pre-Panel outreach meeting with potential small entity representatives (SERs). Representatives from the Small Business Administration (SBA) and Office of Management and Budget (OMB) also participated. A total of 10 potential SERs participated in the meeting. EPA presented an overview of the Small Business Advocacy Review (SBAR) Panel process and Section 6 of the Toxic Substances Control Act (TSCA), an explanation of the forthcoming rulemaking, potential regulatory approaches, and cost estimates. EPA also provided opportunities for questions and feedback. EPA asked the potential SERs to provide written comments by November 18, 2020.

At the Pre-Panel outreach meeting, SERs provided information on the number and type of entities that would be affected (including descriptions of their processing or use of 1-BP, their customer base, and how their products are used; potential compliance requirements (including exposure and monitoring reduction, anticipated changes due to future requirements, and considerations for substitute chemicals)); related Federal rules; and potential regulatory flexibility alternatives (including descriptions of challenges for small businesses and questions for EPA regarding the regulatory approach). SERs emphasized interest in only continuing processing 1-BP in industrial and commercial degreasing operations, particularly for the aerospace industry. SERs also expressed interest that other industrial and commercial uses and consumer uses should be banned by EPA. SERs emphasized that more specificity on what exposure level EPA might require was necessary before they could fully describe potential impacts to their businesses.

Summary of Comments from Potential Small Entity Representatives

Number and Types of Entities Affected

SERs discussed their processing or use of 1-BP, as well as their customer base and how their products are used. Specifically, SERs described:

- Degreasing:
 - A SER uses 1-BP as a degreaser and parts cleaner before the application of surface finishing. The SER stated that 1-BP works very well, many entities use it as an alternative to trichloroethylene (TCE).
 - A SER indicated that 1-BP is often specified by customers, especially in degreasing for aerospace applications. The SER explained that the alternative, aqueous cleaners, do not work as well and take up more space, and the users prefer 1-BP when they have multiple applications.
- Small-scale uses:
 - SERs described how many “other” uses tend to be used infrequently, such as brake cleaning or engine degreasing, mold cleaning and release, in coatings, and in coin and scissor cleaning.
 - One SER described how some users prefer 1-BP in electronics for spot cleaning or repair; however, newer processes do not require 1-BP.

- Similarly, another SER stated that 1-BP is used for asphalt extraction mostly small-scale use in laboratory situations.
- Extremely limited or no uses of 1-BP:
 - No SER could identify use of 1-BP in refrigerants or as a temperature indicator.
 - A SER state that there is no significant commercialization of spot remover or stain removers.
 - Similarly, several SERs described how they have not seen any distribution or retail of consumer-type products containing 1-BP, and that 1-BP has not been in consumer markets the same way methylene chloride has, so many SERs were not concerned about a consumer ban negatively affecting small retailers and distributors.

Potential Reporting, Recordkeeping, and Compliance Requirements

SERs described their exposure monitoring and reduction practices, anticipated changes due to potential requirements from EPA, and considerations for substitute chemicals or processes. Specifically, SERs described, for themselves or their customers:

- Engineering controls:
 - A SER indicated that most users 1-BP in industrial applications have transitioned to closed loop systems or have significantly reduced releases.
 - Another SER indicated that there is a wide range of degreaser equipment in use, not only closed loop systems, and the new equipment has better controls.
- Exposure limits:
 - Throughout the meeting, many SERs stated a strong interest in knowing what level EPA might set for an ECEL (Existing Chemical Exposure Limit). The SERs emphasized that formulators will have a hard time determining how the final rule will affect them without knowing the exposure limit that will be set.
 - One SER stated that EPA should take into consideration that the threshold limit value (TLV) rated for 1-BP has a 0.1 to 0.2 % by weight contamination of isopropyl bromide, and the 1-BP they are using today is at least 1 if not 2 orders of magnitude below that.
 - Another SER stated that it is not clear if small business can achieve the ECEL in degreasing applications. The SER described how this will depend on the final number. As the SER stated, achieving 0.1 ppm will be a challenge. Most SERs agreed that setting exposure limits in the double digits is achievable, but exposure limits below 1 ppm would be more challenging to reach.
- Other exposure and risk reductions: One SER described how, as required by the Occupational Safety and Health Administration (OSHA) and other regulatory entities, formulators use various techniques such as shipping labels; Globally Harmonized System (GHS) information; personal protective equipment (PPE) such as full-face respirators with assigned protection factor (APF) of 50 and dermal controls; engineering controls; ventilation systems; and enclosed mixing systems.

- Use of substitute chemicals in industrial uses:
 - A SER indicated that new alternatives to 1-BP have been explored, but most alternatives tend to come at significantly higher costs.
 - Another SER described how there are many alternative choices for liquid cleaners which vary in effectiveness and tend to be costly, like aqueous cleaning, or have other environmental impacts, such as global warming.
- Prohibitions:
 - Several SERs agreed that banning 1-BP in degreasing operations would lead to significant costs to switch to alternatives.
 - In contrast, SERs do not think 1-BP should be used in consumer and small-scale commercial products. Many SERs supported a prohibition of these uses and did not anticipate that a consumer ban would negatively affect small retailers and distributors.

Related Federal Rules

When discussing related Federal rules, the SERs specifically described:

- One SER described how, during the risk evaluation, this SER had requested that EPA describe how the underlying risk evaluation differs from the 2007 Significant New Alternatives Policy (SNAP) (72 FR 30142, May 30, 2007) with respect to the acceptable air concentration levels for acute and chronic exposures. The SER indicated that the explanation was missing from the risk evaluation.
- One SER described how requirements by OSHA (e.g., Hazard Communication Standard) and other regulatory entities result in their use of various exposure and risk reduction techniques: labeling; GHS information; PPE; and multiple types of engineering controls.
- A SER indicated that their customers have made substantial investments to be compliant under National Emission Standards for Hazardous Air Pollutants (NESHAP) rules, though they did not specify which NESHAP rules. Since 1-BP is not a Hazardous Air Pollutant, currently, there are no NESHAPs. The SER recommended that any actions taken under this regulation should be consistent with existing NESHAP regulations in place.

Regulatory Flexibility Alternatives

SERs identified several potential flexibility alternatives, challenges for small business, questions for EPA regarding the regulatory approach, and provided recommendations:

- Exposure limits:
 - One SER stated that an exposure limit may not provide the desired flexibility for small businesses. Small businesses may prefer a checklist of requirements or a maintenance requirement rather than a performance standard that could be challenging to implement.

- Engineering and related controls:
 - A SER indicated that engineering controls, such as retrofitting ventilation, could lead to space issues and additional costs.
 - Another SER indicated that cost of closed-loop system can be three times higher than of a regular vapor degreaser.
 - Several SERs stated that EPA should consider the potential management option of requiring periodic maintenance on degreasing machines. The SERs described how maintenance improves the speed and efficiency of the process and reduces worker risk.
- Monitoring: Several SERs suggested that monitoring through a badge could provide data to indicate which activities have the highest risks, so they can focus their attention on where they need controls and safeguards. Several SERs indicated that most shops do not have workers at the vapor degreaser all day.
- Labeling: A SER that formulate products with 1-BP indicated that cost of changing label is minimal.
- Reporting requirements: It was mentioned that would be helpful to reduce the reporting burden from small businesses.
- Prohibitions for certain uses:
 - Most SERs support a ban of consumer uses, and one stated that consumers should not need to use 1-BP in or around their homes.
 - Similarly, most SERs support a ban of 1-BP in dry cleaning uses, adhesives, coatings, inks, and other miscellaneous uses. For example, a SER indicated that 1-BP should not be used in automotive brake cleaning since it can damage plastic or rubber parts of the brake system.